

**In The Matter Of:**  
*City of South Bend -v-  
South Bend Common Council, et al*

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*Darryl Boykins  
April 15, 2013*

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EXHIBIT

tabbles

1

1 enforcement purposes.

2 Q. But there's no written policy to that effect, correct?

3 A. No.

4 MR. PFEIFER: We've got ten minutes on the tape,  
5 so let's take a break so she can switch the tapes.

6 MR. DIXON: Okay.

7 (Recess taken.)

8 (Exhibit 1 marked for identification.)

9 MR. SULLIVAN: Before the video gets started,  
10 Angela, let's go back on the record. I just wanted  
11 to clarify scope issues and the fact that there's  
12 other claims and, of course, damage issues, etc.,  
13 that are not going to be part of the scope of today's  
14 deposition, but will be subject to further discovery.  
15 And I wanted to make sure we were all on the same  
16 page on that. I guess if we are, great. I just  
17 thought we might put it on the record. I didn't  
18 think that needed to be video'd.

19 MR. DIXON: Yeah, I mean, I think that's part of  
20 my objecting to the -- to anything that was going to  
21 the issue of the content of what's on the tapes is  
22 that that's an issue that we're bifurcating discovery  
23 to determine the legitimacy of the taping itself.

24 MR. SULLIVAN: Right.

25 MR. DIXON: And if that -- depending on the

1 ruling of that, then we get into those other issues.

2 MR. SULLIVAN: I'd just be more comfortable if  
3 that was on the record. So are we on the record?

4 REPORTER: Yes.

5 MR. SULLIVAN: Was that all on the record?

6 REPORTER: That was all on the record.

7 MR. SULLIVAN: Good. Then I think we've done  
8 that.

9 MR. PFEIFER: I think we all need to acquiesce in  
10 your statement. And I do.

11 MR. WALTON: I agree.

12 MS. DUERRING: I agree.

13 VIDEOGRAPHER: Please continue.

14 BY MR. PFEIFER:

15 Q. Just so I'm clear, when Brian Young's phone line was being  
16 recorded, he was not under any criminal investigation; is  
17 that correct?

18 A. Correct.

19 Q. There was no court order that anyone had obtained  
20 authorizing the recording of his phone line; is that  
21 correct?

22 A. That's correct.

23 Q. There was no lawful enforcement purpose that was being  
24 undertaken in the recording of his phone line; is that  
25 correct?